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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,938

10/31/2003

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60167/WO-697.003CON/10602

9636

29053 7590 04/24/2009
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EXAMINER

BAYAT, ALI

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

04/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/697,938	Applicant(s) AVNI ET AL.	
	Examiner ALI BAYAT	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 1/16/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19,33 and 49-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19,33 and 49-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed on 1/16/09 have been fully considered but they are not persuasive.

Regarding claim 1, on page 7 (first paragraph of remarks) applicant argues that, the recited PD signature requires dragging and/or clicking on icons positioned on a background. In contrast, Zank fails to disclose an icon positioned on a background, much less dragging and/or clicking an icon to create a signature.

Examiner respectfully disagree with applicant, the cited features (dragging and/or clicking on icons positioned on a background or an icon positioned on a background) is not a claim language. Further Zank teaches the limitations in claim 1.

Regarding claim 1, on page 7 (second paragraph of remarks) applicant argues that, simply writing a signature cannot reasonably be construed as an "object," in the context of the claim. Also, as known in the art, Zank's pen tablet would not satisfy a "background image." Moreover, at the Examiner's citation, Zank discloses a step of "receiving data," not "providing data," i.e., Zank's computer 12 receives data from pen tablet 24. For at least these reasons, the rejection of record should be withdrawn.

Examiner respectfully disagree with applicant, signature 25 in Fig.1 is an object, which corresponds to an electronic signature, see Abstract graphic tablet digitizer for signaling position coordinates of a stylus being moved to

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produce a handwritten signature . Examiner interprets that surface of graphic tablet digitizer 24 in Fig.1 refers to background and moving the stylus which corresponds to producing a signature corresponds to providing data for positioning at least one object on said background image (Fig.1 element 26 col.5 lines 20-30).

Regarding claim 17, on page 7 (third paragraph of remarks) applicants argue that Zank's signature simply includes "pen position coordinates such as x-, y-, and z-axis data." See Zank at col. 5 lines 28-32. In no event does Zank describe manipulating icons positioned on a background to generate a PD signature, as set forth in the claims. Clearly, the notion of icons are wholly absent from Zank's signature. For at least this reason, the rejection of record should be withdrawn.

Examiner respectfully disagrees with applicant the cited features (to draw lines or reposition or click on one or more icons positioned on a background) are newly amended features. However the newly cited prior art of Suchard et al. (US 6,985,610) teaches drawing lines or reposition (col.6 lines 49-56).

Regarding the rejection of claims 5, 11, 13 and 14 Under 35 U.S.C. 103; Zank In view Of Microsoft Operating System.

Regarding claims 5, 11, 13 and 14, on page 10 (second paragraph of remarks) applicant argues "As an initial matter, Applicant points out that the Examiner must provide explicit analysis supporting any rationale why a person skilled in the art would combine the prior art to arrive at the claimed invention,

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KSR Int'l Co. v. Teleflex Inc., 550 U.S., 82 U.S.P.Q.2d 1385 (2007). Here, the Examiner merely provides the statement that the modification would have been obvious to access an application in a short time. This is nothing more than an assertion that the claimed combination of elements was obvious to try. Although the Court has held that showing that a combination of elements was obvious to try can be proper where there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, see KSR Int'l Co., 82 U.S.P.Q.2d at 1390, the Examiner has not shown a design need or market pressure to solve a problem or that there are a finite number of identified, predictable solutions. Thus, the Examiner has failed to meet the burden to initially establish a prima facie case of obviousness under 35 U.S.C. § 103, see *In re Peehs*, 204 U.S.P.Q. 835,837 (CCPA 1980)".

Examiner respectfully disagree with applicant operating pointing device includes positioning a drag-able icon and sampling a drag and drop or a click mode is well known in the art (i.e., Window 95 or Window 2000 or Window XP of Microsoft operating system). However since applicant argues that, Examiner has failed to meet the burden to initially establish a prima facie case of obviousness under 35 U.S.C. § 103, see *In re Peehs*, 204 U.S.P.Q. 835,837 (CCPA 1980)".

Examiner provides the prior art references for rejection of claims 5, 11, 13 and 14 Under 35 U.S.C. 103; Zank in view of Schindler et al. (US 6,516,467). Please see prior art of Schindler in col.6 lines 34-45 for dragging and dropping

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icons also col.15 lines 60-65 for Microsoft Window 95, also see col.19 lines 34-48 for Microsoft Window 95).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 6-12, 15-18 and 49-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Zank et al. (US 6,307,955).

Zank discloses for providing data (Fig.1 element 25 col.5 lines 20-30) for the display of a background image (Fig.1 element 24 col.5 lines 20-30), providing data for positioning at least one object on said background image (Fig.1 element 26 col.5 lines 20-30), receiving a sampled pointing device (PD) signature including a set of position vectors(Fig.1 element 25 col.5 lines 20-30), said PD signature generated by sampling a plurality of events corresponding to positions of a cursor (col.6 lines 1-5) while operating said pointing device to provide data relative to said background image(Fig.1 element 25 col.5 lines 20-30),

Comparing said sampled PD signature to a stored PD signature representing the identity of the user (Fig.4 see 25A and 25B, col.8 lines 22-32), and

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Validating said identity of said user in response to said comparing step (col.8 lines 22-32).

Regarding claim 2 Zank provides for moving said PD manipulates said cursor on said background image (Fig.1 element 26).

Regarding claim 6 Zank provides sampling of a plurality of events includes sampling a time component (col.5 lines 59-62, see sampling intervals).

Regarding claim 7 Zank provides for the step of comparing includes applying a set of nodes to analyze said sample signature and determining if said sample signature satisfies a threshold matching criteria (Fig.3 element 66 col.8 lines 1-5).

Regarding claim 8 Zank provides for the steps of." receiving a plurality of signature exemplars (col.2 lines 23-25, see receiving a multiplicity of the coordinates) ; and creating a set of nodes associated with said exemplars(col.2 lines 25-28, see storing respective sets of the coordinates in sequential order as an electronic signature while preserving a time relation between coordinates).

Regarding claim 10 Zank provides for operating said pointing device includes positioning said cursor relative to said objects (Fig.4 element 72).

Regarding claim 15 Zank provides for the PD signature is generated by processing said set of position vectors including processing a series of said events using a plurality of nodes (col.5 line 65-col.6 line 8).

Regarding claim 16 Zank provides for receiving a verification request from a provider (col.10 lines 28-40); and

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Issuing in response to said step of validating, an authorization message to said provider (col.10 lines 28-40).

Regarding claim 49 Zank provides for the display of a background image includes downloading a virtual pad consisting of said background image (Fig.1 element 24 and said object (Fig.1 element 25).

Regarding claim 50 Zank provides repositioning objects (col.6 lines 1-5) on said background image (Fig.1 element 24 and said object to create said PD signature (Fig.1 element 25).

Regarding claim 51 Zank provides for displaying said background image on a computer display screen (Fig.1 element 16).

Regarding claim 12 Zank provides for step of sampling a plurality of events includes sampling horizontal and vertical positions of said cursor (col.2 lines 15-20) and a time parameter associated with respective ones of said events (col.2 lines 15-20, see clock circuit), also see col.5 lines 30-25, see x-,y-, and z-z-axis data to the computer 12).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 3-4, 17-19 and 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Zank et al. (US 6,307,955) in view of Suchard et al. (US 6,985,610).

Regarding claims 3 and 19 Zank does not provide for operating said PD includes moving a mouse. Suchard teaches for operating PD includes moving a mouse (col.6 lines 49-56, also see Fig.3). It would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Suchard with the system and the method of Zank, to recognize and authenticate signature in high dimensional space. See technical field of the invention.

Regarding claims 4 and 18, see the rejection of claim 3. They recite similar limitation as claim 3. Hence they are similarly analyzed and rejected.

Regarding claim 17 Zank provides for software system stored on a computer readable medium (col.6 lines 20-25) for validating a user's identity comprising software configured to perform the steps of:

providing data for the display of an object map to a user ((Fig.4 see 25A and 25B, col.8 lines 22-32),; receiving data representing signature characteristics generated by processing a set of position vectors resulting from user manipulation of a cursor to draw lines or reposition or click on one or more icons positioned on a background ((Fig.1 element 25 col.5 lines 20-30 Examiner interprets that surface of graphic tablet digitizer 24 in Fig.1 refers to background and moving the stylus which corresponds to producing a signature corresponds

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to providing data for positioning at least one object on said background image) , using an input device to provide a sample of a plurality of events corresponding to positions of said cursor so as to further provide a sampled signature including said set of position vectors (Fig.1 element 25 col.5 lines 20-30) ; comparing said signature characteristics to characteristics of a stored signature representing the user's identity (Fig.4 see 25A and 25B, col.8 lines 22-32); validating said user's identity in response to said comparing step (col.8 lines 22-23).

Zank does not provide for manipulation of a cursor to draw lines by a mouse. In the same field of endeavor Suchard teaches manipulation of a cursor (mouse) for drawing lines (col.6 lines 49-56, also see Fig.3). It would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Suchard with the system and the method of Zank, to recognize and authenticate signature in high dimensional space. See technical field of the invention.

Regarding claim 33 Zank provides for a user computer system having a pointing device(Fig.1 element 18 col.5 lines 18-30) and a display screen (Fig.1 element 16), the user computer system operational to (i) display a virtual pad (Fig.1 element 24) on said display screen, (ii) respond to a positioning of said pointing device to position a cursor on said virtual pad (Fig.1 element 18), and (iii) provide a collection of vectors describing an operation of said pointing device with respect to said cursor (Fig.1 element 25); said verification server comprising: an interface in communication with said user computer system for

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receiving said collection of vectors (Fig.1 element 22 see equip. interface) associated with drawing lines or the reposition or click on one or more icon positioned on a background,a signature recognition engine (Fig.4) configured to (i) process said vectors (Fig.4 elements 25A and 25B), (ii) compare said processed vectors to exemplar signature data (Fig.4 see comparison of 25A and 25B col.8 lines 22-32) and, in response, (iii) provide signature recognition data (col.8 lines 22-32). Zank does not provide for manipulation of a cursor to draw lines by a mouse. In the same field of endeavor Suchard teaches manipulation of a cursor (mouse) for drawing lines (col.6 lines 49-56, also see Fig.3). It would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Suchard with the system and the method of Zank, to recognize and authenticate signature in high dimensional space. See technical field of the invention.

Claims 5 ,9,11 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zank Zank et al. (US 6,307,955) in view of Schindler et al.(Us 6,516,467).

Regarding claim 5,11 and 13-14 Zank does not provide for a sampling of a plurality of events includes a drag and drop event by pointing device, and sampling a mode, wherein sampling a mode of input device includes a step of sampling a normal mode, a " drag and drop" mode, or a click mode of said input device. In the same field of endeavor Schindier teaches the above limitations (col.6 lines 34-45). it would have been obvious to a person of ordinary skill in the

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art at time the invention was made to incorporate the teaching of Schindler with the system and the method of Zank , to control one or more cursors displayed on the monitor as par of a graphical user interface by dragging and dropping cells onto the icons which provide factions such as picture, video clip, see col.6 lines 34-46.

Regarding claim 9 Zank does not provide for displaying said background image includes displaying a graphic. In the same field of endeavor Schindler teaches displaying a graphic as a background image (col.6 lines 34-45). it would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Schindler with the system and the method of Zank , to control one or more cursors displayed on the monitor as par of a graphical user interface by dragging and dropping cells onto the icons which provide factions such as picture, video clip, see col.6 lines 34-46.

Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zank et al. (US 6,307,955) in view of Suchard et al.(US 6,985,610), further in view of Schindler et al.(Us 6,516,467).

Regarding claim 52 Zank as modified by Suchard does not provide for the step of displaying includes displaying a background image and an icon on a computer display screen. Schindler teaches displaying includes displaying a background image and an icon on a computer display ((col.6 lines 34-45). it would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Schindler with the system and

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the method of Zank as modified by Suchard , to control one or more cursors displayed on the monitor as par of a graphical user interface by dragging and dropping cells onto the icons which provide factions such as picture, video clip, see col.6 lines 34-46.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALI BAYAT whose telephone number is

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(571)272-7444. The examiner can normally be reached on M-F 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIKKRAM BALI can be reached on 571-272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ali Bayat/
Examiner, Art Unit 2624
4/21/09

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Supervisory Patent Examiner, Art Unit 2624